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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Raju KUCHERLAPATI et al.

Serial No.: 08/031,801

Group Art Unit: 1804

Filing Date: 15 March 1993

Examiner: S. Ziska

Title: GENERATION OF XENOGENEIC  
ANTIBODIES

COMMUNICATION

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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Dear Sir:

Enclosed is a paper by Miller, J. et al. Nature (1982) 295:428-430. Applicants have been aware of this publication and do not believe it is material to the examination of the herein application. However, a copy of this publication was handed to applicants' attorney in the course of a deposition on January 20, 1995. This deposition was taken in connection with a lawsuit in which the assignee of the present invention is alleging derivation of invention from the present applicants. Therefore, the publication may be considered relevant on the grounds solely of the circumstances under which it was provided to applicants.

In order to comply with the duty of candor, applicants now submit this publication. The publication is concerned with the characterization of the J regions of

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mouse immunoglobulin  $\lambda$  genes. This paper deals with observations about the structure of the  $\lambda$  gene and the authors show that one of the J regions, the J $\lambda$ 4 region, is a pseudogene. This pseudogene, in its native state, contains genetic alterations which render it nonfunctional. The particular J region studied has nucleotide substitutions as well as deletions. The article states that because the C $\lambda$  gene is associated with only a single J region, unlike  $\kappa$  and H chains, the inactivation of a J $\lambda$  region would cause the entire gene to become nonfunctional. This stated result simply indicates that to the extent a J region controls a particular constant region joiner, inactivation of the J region by altering its structure, as in the case of mutation here, might result in failure to express.

The enclosed paper is thus believed by applicants to represent a general effort to study immunoglobulin expression and is cited as material only because of the circumstances under which it was produced in deposition. The reference is cited on the enclosed Form PTO-1449, and applicants respectfully request that it be made of record in the present application.

Respectfully submitted,

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